

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO,
EASTERN DIVISION**

FREDERICK ARTERS and
BARBARA ARTERS

Plaintiffs,

v.

SANDOZ INC., FORMERLY KNOWN AS
GENEVA PHARMACEUTICALS, INC., and
EON LABS, INC., FORMERLY KNOWN AS
EON LABS MANUFACTURING, INC.

Defendants.

) **Case No.: 2:10-cv-00142**
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Defendants Sandoz Inc. and Eon Labs, Inc. and Plaintiff Frederick Arters,¹ having conferred among themselves, respectfully and jointly move this Court to stay the existing scheduling order (Dkt. 66) and continue the discovery period of this case pending a determination upon Defendants' Motion for Judgment on the Pleadings (Dkt. 67). The parties believe that the case dispositive issues addressed in that motion are threshold matters to this proceeding and wish to avoid the unnecessary expense of extensive fact discovery and expert discovery in the event that the motion is granted. In the event that the motion is denied, Plaintiff and Defendant will jointly request a scheduling conference to set a schedule to complete discovery.

¹ The claims of Plaintiff Barbara Arters were dismissed by the Court's March 22, 2012 Order (Dkt. 65).

Respectfully Submitted,

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Dated: January 16, 2013